

104TH CONGRESS  
2D SESSION

# H. R. 3968

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1996

Received

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## AN ACT

To make improvements in the operation and administration  
of the Federal courts, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Federal Courts Improvement Act of 1996”.

1           (b) TABLE OF CONTENTS.—The table of contents of  
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.

Sec. 202. Registration of judgments for enforcement in other districts.

Sec. 203. Vacancy in clerk position; absence of clerk.

Sec. 204. Removal of cases against the United States and Federal officers or agencies.

Sec. 205. Appeal route in civil cases decided by magistrate judges with consent.

Sec. 206. Reports by judicial councils relating to misconduct and disability orders.

Sec. 207. Consent to trial in certain criminal actions.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS,  
AND PROTECTIONS

Sec. 301. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.

Sec. 302. Bankruptcy judges reappointment procedure.

Sec. 303. Technical correction related to commencement date of temporary judgeships.

Sec. 304. Full-time status of court reporters.

Sec. 305. Court interpreters.

Sec. 306. Technical amendment related to commencement date of temporary bankruptcy judgeships.

Sec. 307. Contribution rate for senior judges under the Judicial Survivors' Annuities System.

Sec. 308. Proceedings on complaints against judicial conduct.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.

Sec. 402. Interpreter performance examination fees.

Sec. 403. Judicial panel on multidistrict litigation.

Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE  
RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—PLACES OF HOLDING COURT

Sec. 601. Place of holding court in the Southern District of New York.

Sec. 602. Place of holding court in the Eastern District of Texas.

TITLE VII—MISCELLANEOUS

Sec. 701. Participation in judicial governance activities by district, senior, and magistrate judges.

Sec. 702. The Director and Deputy Director of the Administrative Office as officers of the United States.

Sec. 703. Removal of action from State court.

Sec. 704. Federal Judicial Center employee retirement provisions.

Sec. 705. Abolition of the special court, Regional Rail Reorganization Act of 1973.

Sec. 706. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.

Sec. 707. Civil justice expense and delay reduction plans.

Sec. 708. Venue for territorial courts.

# **1 TITLE I—CRIMINAL LAW AND**

# **2 CRIMINAL JUSTICE AMEND-**

# **3 MENTS**

## **4 SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL**

## **5 SERVICES OFFICERS.**

6 (a) PROBATION OFFICERS.—Section 3603 of title 18,  
7 United States Code, is amended—

8 (1) by striking out “and” at the end of para-  
9 graph (8)(B);

10 (2) by redesignating paragraph (9) as para-  
11 graph (10); and

12 (3) by inserting after paragraph (8) the follow-  
13 ing new paragraph:

14 “(9) if approved by the court, be authorized to  
15 carry firearms under such regulations as the Direc-  
16 tor of the Administrative Office of the United States  
17 Courts may prescribe; and”.

18 (b) PRETRIAL SERVICES OFFICERS.—Section 3154  
19 of title 18, United States Code, is amended—

1 (1) by redesignating paragraph (13) as para-  
 2 graph (14); and

3 (2) by inserting after paragraph (12) the fol-  
 4 lowing new paragraph:

5 “(13) If approved by the court, be authorized to  
 6 carry firearms under such regulations as the Direc-  
 7 tor of the Administrative Office of the United States  
 8 Courts may prescribe.”.

## 9 **TITLE II—JUDICIAL PROCESS** 10 **IMPROVEMENTS**

### 11 **SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY** 12 **ASSIGNMENT.**

13 The first sentence of section 636(f) of title 28, United  
 14 States Code, is amended by striking out “(a) or (b)” and  
 15 inserting in lieu thereof “(a), (b), or (c)”.

### 16 **SEC. 202. REGISTRATION OF JUDGMENTS FOR ENFORCE-** 17 **MENT IN OTHER DISTRICTS.**

18 (a) IN GENERAL.—Section 1963 of title 28, United  
 19 States Code, is amended—

20 (1) by amending the section heading to read as  
 21 follows:

22 **“§ 1963. Registration of judgments for enforcement in**  
 23 **other districts”;**

24 (2) in the first sentence—

1 (A) by striking out “district court” and in-  
 2 serting in lieu thereof “court of appeals, district  
 3 court, or bankruptcy court”; and

4 (B) by striking out “such judgment” and  
 5 all that follows through “Trade,” and inserting  
 6 in lieu thereof “the judgment”; and

7 (3) by adding at the end thereof the following  
 8 new undesignated paragraph:

9 “The procedure prescribed under this section is in ad-  
 10 dition to other procedures provided by law for the enforce-  
 11 ment of judgments.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 13 The table of sections for chapter 125 of title 28, United  
 14 States Code, relating to section 1963 is amended to read  
 15 as follows:

“1963. Registration of judgments for enforcement in other districts.”.

16 **SEC. 203. VACANCY IN CLERK POSITION; ABSENCE OF**  
 17 **CLERK.**

18 (a) IN GENERAL.—Section 954 of title 28, United  
 19 States Code, is amended to read as follows:

20 **“§ 954. Vacancy in clerk position; absence of clerk**

21 “When the office of clerk is vacant, the deputy clerks  
 22 shall perform the duties of the clerk in the name of the  
 23 last person who held that office. When the clerk is inca-  
 24 pacitated, absent, or otherwise unavailable to perform offi-  
 25 cial duties, the deputy clerks shall perform the duties of

1 the clerk in the name of the clerk. The court may des-  
 2 ignate a deputy clerk to act temporarily as clerk of the  
 3 court in his or her own name.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 5 The table of sections for chapter 57 of title 28, United  
 6 States Code, relating to section 954 is amended to read  
 7 as follows:

“954. Vacancy in clerk position; absence of clerk.”.

8 **SEC. 204. REMOVAL OF CASES AGAINST THE UNITED**  
 9 **STATES AND FEDERAL OFFICERS OR AGEN-**  
 10 **CIES.**

11 (a) IN GENERAL.—Section 1442 of title 28, United  
 12 States Code, is amended—

13 (1) in the section heading by inserting “**or**  
 14 **agencies**” after “**officers**”; and

15 (2) in subsection (a)—

16 (A) in the matter preceding paragraph (1)  
 17 by striking out “persons”; and

18 (B) in paragraph (1) by striking out “Any  
 19 officer of the United States or any agency  
 20 thereof, or person acting under him, for any act  
 21 under color of such office” and inserting in lieu  
 22 thereof “The United States or any agency  
 23 thereof or any officer (or any person acting  
 24 under that officer) of the United States or of  
 25 any agency thereof, sued in an official or indi-

1           vidual capacity for any act under color of such  
2           office”.

3           (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4   The table of sections for chapter 89 of title 28, United  
5   States Code, is amended by amending the item relating  
6   to section 1442 to read as follows:

“1442. Federal officers or agencies sued or prosecuted.”.

7   **SEC. 205. APPEAL ROUTE IN CIVIL CASES DECIDED BY**  
8           **MAGISTRATE JUDGES WITH CONSENT.**

9           Section 636 of title 28, United States Code, is  
10   amended—

11           (1) in subsection (c)—

12                   (A) in paragraph (3) by striking out “In  
13                   this circumstance, the” and inserting in lieu  
14                   thereof “The”;

15                   (B) by striking out paragraphs (4) and  
16                   (5); and

17                   (C) by redesignating paragraphs (6) and  
18                   (7) as paragraphs (4) and (5); and

19           (2) in subsection (d) by striking out “, and for  
20   the taking and hearing of appeals to the district  
21   courts,”.

1 **SEC. 206. REPORTS BY JUDICIAL COUNCILS RELATING TO**  
2 **MISCONDUCT AND DISABILITY ORDERS.**

3 Section 332 of title 28, United States Code, is  
4 amended by adding at the end thereof the following new  
5 subsection:

6 “(g) No later than January 31 of each year, each  
7 judicial council shall submit a report to the Administrative  
8 Office of the United States Courts on the number and na-  
9 ture of orders entered under this section during the pre-  
10 ceding calendar year that relate to judicial misconduct or  
11 disability.”.

12 **SEC. 207. CONSENT TO TRIAL IN CERTAIN CRIMINAL AC-**  
13 **TIONS.**

14 (a) AMENDMENTS TO TITLE 18.—(1) Section  
15 3401(b) of title 18, United States Code, is amended—

16 (A) in the first sentence by inserting “, other  
17 than a petty offense that is a class B misdemeanor  
18 charging a motor vehicle offense, a class C mis-  
19 demeanor, or an infraction,” after “misdemeanor”;

20 (B) in the second sentence by inserting “judge”  
21 after “magistrate” each place it appears;

22 (C) by striking out the third sentence and in-  
23 serting in lieu thereof the following: “The magistrate  
24 judge may not proceed to try the case unless the de-  
25 fendant, after such explanation, expressly consents  
26 to be tried before the magistrate judge and expressly



1       and specifically waives trial, judgment, and sentenc-  
2       ing by a district judge. Any such consent and waiver  
3       shall be made in writing or orally on the record.”;  
4       and

5               (D) by striking out “judge of the district court”  
6       each place it appears and inserting in lieu thereof  
7       “district judge”.

8       (2) Section 3401(g) of title 18, United States Code,  
9       is amended by striking out the first sentence and inserting  
10      in lieu thereof the following: “The magistrate judge may,  
11      in a petty offense case involving a juvenile, that is a class  
12      B misdemeanor charging a motor vehicle offense, a class  
13      C misdemeanor, or an infraction, exercise all powers  
14      granted to the district court under chapter 403 of this  
15      title. The magistrate judge may, in any other class B or  
16      C misdemeanor case involving a juvenile in which consent  
17      to trial before a magistrate judge has been filed under sub-  
18      section (b), exercise all powers granted to the district  
19      court under chapter 403 of this title.”.

20       (b) AMENDMENTS TO TITLE 28.—Section 636(a) of  
21      title 28, United States Code, is amended—

22               (1) by striking out “, and” at the end of para-  
23      graph (3) and inserting in lieu thereof a semicolon;  
24      and

1           (2) by striking out paragraph (4) and inserting  
2           the following:

3           “(4) the power to enter a sentence for a petty  
4           offense that is a class B misdemeanor charging a  
5           motor vehicle offense, a class C misdemeanor, or an  
6           infraction; and

7           “(5) the power to enter a sentence for a class  
8           A misdemeanor, or a class B or C misdemeanor not  
9           covered by paragraph (4), in a case in which the  
10          parties have consented.”.

11 **TITLE III—JUDICIARY PERSON-**  
12 **NEL ADMINISTRATION, BENE-**  
13 **FITS, AND PROTECTIONS**

14 **SEC. 301. REFUND OF CONTRIBUTION FOR DECEASED DE-**  
15 **FERRED ANNUITANT UNDER THE JUDICIAL**  
16 **SURVIVORS' ANNUITIES SYSTEM.**

17          Section 376(o)(1) of title 28, United States Code, is  
18 amended by striking out “or while receiving ‘retirement  
19 salary’,” and inserting in lieu thereof “while receiving re-  
20 tirement salary, or after filing an election and otherwise  
21 complying with the conditions under subsection (b)(2) of  
22 this section,”.

1 **SEC. 302. BANKRUPTCY JUDGES REAPPOINTMENT PROCE-**  
2 **DURE.**

3 Section 120 of the Bankruptcy Amendments and  
4 Federal Judgeship Act of 1984 (Public Law 98–353; 28  
5 U.S.C. 152 note), is amended—

6 (1) in subsection (a) by adding at the end  
7 thereof the following new paragraph:

8 “(3) When filling vacancies, the court of appeals may  
9 consider reappointing incumbent bankruptcy judges under  
10 procedures prescribed by regulations issued by the Judi-  
11 cial Conference of the United States.”; and

12 (2) in subsection (b) by adding at the end  
13 thereof the following: “All incumbent nominees seek-  
14 ing reappointment thereafter may be considered for  
15 such a reappointment, pursuant to a majority vote  
16 of the judges of the appointing court of appeals,  
17 under procedures authorized under subsection  
18 (a)(3).”.

19 **SEC. 303. TECHNICAL CORRECTION RELATED TO COM-**  
20 **MENCEMENT DATE OF TEMPORARY JUDGE-**  
21 **SHIPS.**

22 Section 203(c) of the Judicial Improvements Act of  
23 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C.  
24 133 note) is amended by adding at the end thereof the  
25 following: “For districts named in this subsection for  
26 which multiple judgeships are created by this Act, the last

1 of those judgeships filled shall be the judgeship created  
2 under this subsection.”.

3 **SEC. 304. FULL-TIME STATUS OF COURT REPORTERS.**

4 Section 753(e) of title 28, United States Code, is  
5 amended by inserting after the first sentence the follow-  
6 ing: “For the purposes of subchapter III of chapter 83  
7 of title 5 and chapter 84 of such title, a reporter shall  
8 be considered a full-time employee during any pay period  
9 for which a reporter receives a salary at the annual salary  
10 rate fixed for a full-time reporter under the preceding sen-  
11 tence.”.

12 **SEC. 305. COURT INTERPRETERS.**

13 Section 1827 of title 28, United States Code, is  
14 amended by adding at the end thereof the following new  
15 subsection:

16 “(l) Notwithstanding any other provision of this sec-  
17 tion or section 1828, the presiding judicial officer may ap-  
18 point a certified or otherwise qualified sign language inter-  
19 preter to provide services to a party, witness, or other par-  
20 ticipant in a judicial proceeding, whether or not the pro-  
21 ceeding is instituted by the United States, if the presiding  
22 judicial officer determines, on such officer’s own motion  
23 or on the motion of a party or other participant in the  
24 proceeding, that such individual suffers from a hearing  
25 impairment. The presiding judicial officer shall, subject to

1 the availability of appropriated funds, approve the com-  
 2 pensation and expenses payable to sign language inter-  
 3 preters appointed under this subsection in accordance with  
 4 the schedule of fees prescribed by the Director under sub-  
 5 section (b)(3) of this section.”.

6 **SEC. 306. TECHNICAL AMENDMENT RELATED TO COM-**  
 7 **MENCEMENT DATE OF TEMPORARY BANK-**  
 8 **RUPTCY JUDGESHIPS.**

9 Section 3(b) of the Bankruptcy Judgeship Act of  
 10 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152  
 11 note) is amended in the first sentence by striking out  
 12 “date of the enactment of this Act” and inserting in lieu  
 13 thereof “appointment date of the judge named to fill the  
 14 temporary judgeship position”.

15 **SEC. 307. CONTRIBUTION RATE FOR SENIOR JUDGES**  
 16 **UNDER THE JUDICIAL SURVIVORS’ ANNU-**  
 17 **ITIES SYSTEM.**

18 Section 376(b)(1) of title 28, United States Code, is  
 19 amended to read as follows:

20 “(b)(1) Every judicial official who files a written noti-  
 21 fication of his or her intention to come within the purview  
 22 of this section, in accordance with paragraph (1) of sub-  
 23 section (a) of this section, shall be deemed thereby to con-  
 24 sent and agree to having deducted and withheld from his  
 25 or her salary a sum equal to 2.2 percent of that salary,

1 and a sum equal to 3.5 percent of his or her retirement  
2 salary. The deduction from any retirement salary—

3 “(A) of a justice or judge of the United States  
4 retired from regular active service under section  
5 371(b) or section 372(a) of this title,

6 “(B) of a judge of the United States Court of  
7 Federal Claims retired under section 178 of this  
8 title, or

9 “(C) of a judicial official on recall under section  
10 155(b), 373(c)(4), 375, or 636(h) of this title,  
11 shall be an amount equal to 2.2 percent of retirement sal-  
12 ary.”.

13 **SEC. 308. PROCEEDINGS ON COMPLAINTS AGAINST JUDI-**  
14 **CIAL CONDUCT.**

15 (a) IN GENERAL.—Section 372(c) of title 28, United  
16 States Code, is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “(A)” after “(c)(1)”; and

19 (B) by adding at the end the following: “In  
20 the case of a complaint so identified, the chief  
21 judge shall notify the clerk of the court of ap-  
22 peals of the complaint, together with a brief  
23 statement of the facts underlying the complaint.

24 “(B) Complaints filed under subparagraph (A) in one  
25 judicial circuit shall be referred to another judicial circuit

1 for proceedings under this subsection, in accordance with  
2 a system established by rule by the Judicial Conference,  
3 which prescribes the circuits to which the complaints will  
4 be referred. The Judicial Conference shall establish and  
5 submit to the Congress the system described in the preced-  
6 ing sentence not later than 180 days after the date of the  
7 enactment of this subparagraph.”;

8 (2) in paragraph (2)—

9 (A) by amending the first sentence to read  
10 as follows: “Upon receipt of a complaint filed or  
11 notice of a complaint identified under para-  
12 graph (1) of this subsection, the clerk shall  
13 promptly transmit such complaint or (in the  
14 case of a complaint identified under paragraph  
15 (1)) the statement of facts underlying the com-  
16 plaint to the chief judge of the circuit assigned  
17 to conduct proceedings on the complaint in ac-  
18 cordance with the system established under  
19 paragraph (1)(B) (hereafter in this subsection  
20 referred to as the ‘chief judge’).”; and

21 (B) in the second sentence by inserting “or  
22 statement of facts underlying the complaint (as  
23 the case may be)” after “copy of the com-  
24 plaint”;

1           (3) in paragraph (4)(A) by inserting “(to which  
2       the complaint or statement of facts underlying the  
3       complaint is referred)” after “the circuit”;

4           (4) in paragraph (5)—

5               (A) in the first sentence by inserting “to  
6       which the complaint or statement of facts un-  
7       derlying the complaint is referred” after “the  
8       circuit”; and

9               (B) in the second sentence by striking “the  
10      circuit” and inserting “that circuit”;

11          (5) in the first sentence of paragraph (15) by  
12      inserting before the period at the end the following:  
13      “in which the complaint was filed or identified under  
14      paragraph (1)”; and

15          (6) by amending paragraph (18) to read as fol-  
16      lows:

17      “(18) The Judicial Conference shall prescribe rules,  
18      consistent with the preceding provisions of this sub-  
19      section—

20              “(A) establishing procedures for the filing of  
21      complaints with respect to the conduct of any judge  
22      of the United States Court of Federal Claims, the  
23      Court of International Trade, or the Court of Ap-  
24      peals for the Federal Circuit, and for the investiga-  
25      tion and resolution of such complaints; and



1 “(B) establishing a system for referring com-  
 2 plaints filed with respect to the conduct of a judge  
 3 of any such court to any of the first eleven judicial  
 4 circuits or to another court for investigation and res-  
 5 olution.

6 The Judicial Conference shall establish and submit to the  
 7 Congress the system described in subparagraph (B) not  
 8 later than 180 days after the date of the enactment of  
 9 the Federal Courts Improvement Act of 1996.”.

10 (b) EFFECTIVE DATE.—The amendments made by  
 11 this section apply to complaints filed on or after the 180th  
 12 day after the date of the enactment of this Act.

## 13 **TITLE IV—JUDICIAL FINANCIAL** 14 **ADMINISTRATION**

### 15 **SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.**

16 (a) FILING FEE INCREASE.—Section 1914(a) of title  
 17 28, United States Code, is amended by striking out  
 18 “\$120” and inserting in lieu thereof “\$150”.

19 (b) DISPOSITION OF INCREASE.—Section 1931 of  
 20 title 28, United States Code, is amended—

21 (1) in subsection (a) by striking out “\$60” and  
 22 inserting in lieu thereof “\$90”; and

23 (2) in subsection (b)—

24 (A) by striking out “\$120” and inserting  
 25 in lieu thereof “\$150”; and

1 (B) by striking out “\$60” and inserting in  
2 lieu thereof “\$90”.

3 (c) EFFECTIVE DATE.—This section shall take effect  
4 60 days after the date of the enactment of this Act.

5 **SEC. 402. INTERPRETER PERFORMANCE EXAMINATION**  
6 **FEES.**

7 (a) IN GENERAL.—Section 1827(g) of title 28,  
8 United States Code, is amended by redesignating para-  
9 graph (5) as paragraph (6) and inserting after paragraph  
10 (4) the following new paragraph:

11 “(5) If the Director of the Administrative Office of  
12 the United States Courts finds it necessary to develop and  
13 administer criterion-referenced performance examinations  
14 for purposes of certification of interpreters, or other ex-  
15 aminations for the selection of otherwise qualified inter-  
16 preters, the Director may prescribe for each examination  
17 a uniform fee for applicants to take such examination. In  
18 determining the rate of the fee for each examination, the  
19 Director shall consider the fees charged by other organiza-  
20 tions for examinations that are similar in scope or nature.  
21 Notwithstanding section 3302(b) of title 31, the Director  
22 is authorized to provide in any contract or agreement for  
23 the development or administration of examinations and  
24 the collection of fees that the contractor may retain all  
25 or a portion of the fees in payment for the services. Not-

1 withstanding paragraph (6) of this subsection, all fees col-  
 2 lected after the effective date of this paragraph and not  
 3 retained by a contractor shall be deposited in the fund  
 4 established under section 1931 of this title and shall re-  
 5 main available until expended.”.

6 (b) PAYMENT FOR CONTRACTUAL SERVICES.—Not-  
 7 withstanding sections 3302(b), 1341, and 1517 of title 31,  
 8 United States Code, the Director of the Administrative Of-  
 9 fice of the United States Courts may include in any con-  
 10 tract for the development or administration of examina-  
 11 tions for interpreters (including such a contract entered  
 12 into before the date of the enactment of this Act) a provi-  
 13 sion which permits the contractor to collect and retain fees  
 14 in payment for contractual services in accordance with sec-  
 15 tion 1827(g)(5) of title 28, United States Code.

16 **SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.**

17 (a) IN GENERAL.—(1) Chapter 123 of title 28,  
 18 United States Code, is amended by adding after section  
 19 1932 the following new section:

20 **“§ 1933. Judicial Panel on Multidistrict Litigation**

21 “The Judicial Conference of the United States shall  
 22 prescribe from time to time the fees and costs to be  
 23 charged and collected by the Judicial Panel on Multidis-  
 24 trict Litigation.”.

1       (2) The table of sections for chapter 123 of title 28,  
2 United States Code, is amended by adding after the item  
3 relating to section 1931 the following:

“1933. Judicial Panel on Multidistrict Litigation.”.

4       (b) RELATED FEES FOR ACCESS TO INFORMA-  
5 TION.—Section 303(a) of the Judiciary Appropriations  
6 Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C.  
7 1913 note) is amended in the first sentence by striking  
8 out “1926, and 1930” and inserting in lieu thereof “1926,  
9 1930, and 1932”.

10 **SEC. 404. DISPOSITION OF FEES.**

11       (a) DISPOSITION OF ATTORNEY ADMISSION FEES.—  
12 For each fee collected for admission of an attorney to  
13 practice, as prescribed by the Judicial Conference of the  
14 United States pursuant to section 1914 of title 28, United  
15 States Code, \$30 of that portion of the fee exceeding \$20  
16 shall be deposited into the special fund of the Treasury  
17 established under section 1931 of title 28, United States  
18 Code. Any portion exceeding \$5 of the fee for a duplicate  
19 certificate of admission or certificate of good standing, as  
20 prescribed by the Judicial Conference of the United States  
21 pursuant to section 1914 of title 28, United States Code,  
22 shall be deposited into the special fund of the Treasury  
23 established under section 1931 of title 28, United States  
24 Code.

1 (b) DISPOSITION OF BANKRUPTCY COMPLAINT FIL-  
 2 ING FEES.—For each fee collected for filing an adversary  
 3 complaint in a bankruptcy proceeding, as established in  
 4 Item 6 of the Bankruptcy Court Miscellaneous Fee Sched-  
 5 ule prescribed by the Judicial Conference of the United  
 6 States pursuant to section 1930(b) of title 28, United  
 7 States Code, the portion of the fee exceeding \$120 shall  
 8 be deposited into the special fund of the Treasury estab-  
 9 lished under section 1931 of title 28, United States Code.

10 (c) EFFECTIVE DATE.—This section shall take effect  
 11 60 days after the date of the enactment of this Act.

12 **TITLE V—FEDERAL COURTS**  
 13 **STUDY COMMITTEE REC-**  
 14 **OMMENDATIONS**

15 **SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF**  
 16 **INTERNATIONAL TRADE.**

17 (a) IN GENERAL.—Chapter 11 of title 28, United  
 18 States Code, is amended by adding at the end thereof the  
 19 following new section:

20 **“§ 258. Chief judges; precedence of judges**

21 “(a)(1) The chief judge of the Court of International  
 22 Trade shall be the judge of the court in regular active  
 23 service who is senior in commission of those judges who—

24 “(A) are 64 years of age or under;

1           “(B) have served for 1 year or more as a judge  
2           of the court; and

3           “(C) have not served previously as chief judge.

4           “(2)(A) In any case in which no judge of the court  
5           meets the qualifications under paragraph (1), the young-  
6           est judge in regular active service who is 65 years of age  
7           or over and who has served as a judge of the court for  
8           1 year or more shall act as the chief judge.

9           “(B) In any case under subparagraph (A) in which  
10          there is no judge of the court in regular active service who  
11          has served as a judge of the court for 1 year or more,  
12          the judge of the court in regular active service who is sen-  
13          ior in commission and who has not served previously as  
14          chief judge shall act as the chief judge.

15          “(3)(A) Except as provided under subparagraph (C),  
16          the chief judge serving under paragraph (1) shall serve  
17          for a term of 7 years and shall serve after expiration of  
18          such term until another judge is eligible under paragraph  
19          (1) to serve as chief judge.

20          “(B) Except as provided under subparagraph (C), a  
21          judge of the court acting as chief judge under subpara-  
22          graph (A) or (B) of paragraph (2) shall serve until a judge  
23          meets the qualifications under paragraph (1).

24          “(C) No judge of the court may serve or act as chief  
25          judge of the court after attaining the age of 70 years un-

1 less no other judge is qualified to serve as chief judge  
2 under paragraph (1) or is qualified to act as chief judge  
3 under paragraph (2).

4 “(b) The chief judge shall have precedence and pre-  
5 side at any session of the court which such judge attends.  
6 Other judges of the court shall have precedence and pre-  
7 side according to the seniority of their commissions.  
8 Judges whose commissions bear the same date shall have  
9 precedence according to seniority in age.

10 “(c) If the chief judge desires to be relieved of the  
11 duties as chief judge while retaining active status as a  
12 judge of the court, the chief judge may so certify to the  
13 Chief Justice of the United States, and thereafter the  
14 chief judge of the court shall be such other judge of the  
15 court who is qualified to serve or act as chief judge under  
16 subsection (a).

17 “(d) If a chief judge is temporarily unable to perform  
18 the duties as chief judge, such duties shall be performed  
19 by the judge of the court in active service, able and quali-  
20 fied to act, who is next in precedence.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
22 Chapter 11 of title 28, United States Code, is amended—  
23 (1) in section 251 by striking out subsection (b)  
24 and redesignating subsection (c) as subsection (b);  
25 (2) in section 253—

1 (A) by amending the section heading to  
2 read as follows:

3 **“§ 253. Duties of chief judge”;**

4 and

5 (B) by striking out subsections (d) and (e);

6 and

7 (3) in the table of sections for chapter 11 of  
8 title 28, United States Code—

9 (A) by amending the item relating to sec-  
10 tion 253 to read as follows:

“253. Duties of chief judge.”;

11 and

12 (B) by adding at the end thereof the fol-  
13 lowing:

“258. Chief judges; precedence of judges.”.

14 (c) APPLICATION.—(1) Notwithstanding the provi-  
15 sions of section 258(a) of title 28, United States Code (as  
16 added by subsection (a) of this section), the chief judge  
17 of the United States Court of International Trade who is  
18 in office on the day before the date of enactment of this  
19 Act shall continue to be such chief judge on or after such  
20 date until any one of the following events occurs:

21 (A) The chief judge is relieved of his duties  
22 under section 258(c) of title 28, United States Code.

23 (B) The regular active status of the chief judge  
24 is terminated.



1 (C) The chief judge attains the age of 70 years.

2 (D) The chief judge has served for a term of 7  
3 years as chief judge.

4 (2) When the chief judge vacates the position of chief  
5 judge under paragraph (1), the position of chief judge of  
6 the Court of International Trade shall be filled in accord-  
7 ance with section 258(a) of title 28, United States Code.

8 **TITLE VI—PLACES OF HOLDING**  
9 **COURT**

10 **SEC. 601. PLACE OF HOLDING COURT IN THE SOUTHERN**  
11 **DISTRICT OF NEW YORK.**

12 The last sentence of section 112(b) of title 28, United  
13 States Code, is amended to read as follows:

14 “Court for the Southern District shall be held at  
15 New York, White Plains, and in the Middletown-  
16 Wallkill area of Orange County or such nearby loca-  
17 tion as may be deemed appropriate.”.

18 **SEC. 602. PLACE OF HOLDING COURT IN THE EASTERN DIS-**  
19 **TRICT OF TEXAS.**

20 (a) The second sentence of section 124(c)(3) of title  
21 28, United States Code, is amended by inserting “and  
22 Plano” after “held at Sherman”.

23 (b) Sections 83(b)(1) and 124(c)(6) of title 28,  
24 United States Code, are each amended in the last sentence  
25 by inserting before the period the following: “, and may

1 be held anywhere within the Federal courthouse in Tex-  
 2 arkana that is located astride the State line between Texas  
 3 and Arkansas”.

## 4 **TITLE VII—MISCELLANEOUS**

### 5 **SEC. 701. PARTICIPATION IN JUDICIAL GOVERNANCE AC-** 6 **TIVITIES BY DISTRICT, SENIOR, AND MAG-** 7 **ISTRATE JUDGES.**

8 (a) JUDICIAL CONFERENCE OF THE UNITED  
 9 STATES.—Section 331 of title 28, United States Code, is  
 10 amended by striking out the second undesignated para-  
 11 graph and inserting in lieu thereof the following:

12 “The district judge to be summoned from each judi-  
 13 cial circuit shall be chosen by the circuit and district  
 14 judges of the circuit and shall serve as a member of the  
 15 Judicial Conference of the United States for a term of  
 16 not less than 3 successive years nor more than 5 succes-  
 17 sive years, as established by majority vote of all circuit  
 18 and district judges of the circuit. A district judge serving  
 19 as a member of the Judicial Conference may be either a  
 20 judge in regular active service or a judge retired from reg-  
 21 ular active service under section 371(b) of this title.”.

22 (b) BOARD OF THE FEDERAL JUDICIAL CENTER.—  
 23 Section 621 of title 28, United States Code, is amended—

24 (1) in subsection (a) by striking out paragraph

25 (2) and inserting in lieu thereof the following:

1           “(2) two circuit judges, three district judges,  
2           one bankruptcy judge, and one magistrate judge,  
3           elected by vote of the members of the Judicial Con-  
4           ference of the United States, except that any circuit  
5           or district judge so elected may be either a judge in  
6           regular active service or a judge retired from regular  
7           active service under section 371(b) of this title but  
8           shall not be a member of the Judicial Conference of  
9           the United States; and”;

10           (2) in subsection (b) by striking out “retire-  
11           ment,” and inserting in lieu thereof “retirement pur-  
12           suant to section 371(a) or section 372(a) of this  
13           title.”.

14   **SEC. 702. THE DIRECTOR AND DEPUTY DIRECTOR OF THE**  
15                   **ADMINISTRATIVE OFFICE AS OFFICERS OF**  
16                   **THE UNITED STATES.**

17           Section 601 of title 28, United States Code, is  
18           amended by adding at the end thereof the following: “The  
19           Director and Deputy Director shall be deemed to be offi-  
20           cers for purposes of title 5, United States Code.”.

21   **SEC. 703. REMOVAL OF ACTION FROM STATE COURT.**

22           Section 1446(c)(1) of title 28, United States Code,  
23           is amended by striking out “petitioner” and inserting in  
24           lieu thereof “defendant or defendants”.

1 **SEC. 704. FEDERAL JUDICIAL CENTER EMPLOYEE RETIRE-**  
2 **MENT PROVISIONS.**

3 Section 627(b) of title 28, United States Code, is  
4 amended—

5 (1) in the first sentence by inserting “Deputy  
6 Director,” before “the professional staff”; and

7 (2) in the first sentence by inserting “chapter  
8 84 (relating to the Federal Employees’ Retirement  
9 System),” after “(relating to civil service retire-  
10 ment),”.

11 **SEC. 705. ABOLITION OF THE SPECIAL COURT, REGIONAL**  
12 **RAIL REORGANIZATION ACT OF 1973.**

13 (a) ABOLITION OF THE SPECIAL COURT.—Section  
14 209 of the Regional Rail Reorganization Act of 1973 (45  
15 U.S.C. 719) is amended in subsection (b)—

16 (1) by inserting “(1)” before “Within 30 days  
17 after”; and

18 (2) by adding at the end thereof the following  
19 new paragraph:

20 “(2) The special court referred to in paragraph (1)  
21 of this subsection is abolished effective 90 days after the  
22 date of the enactment of the Federal Courts Improvement  
23 Act of 1996. On such effective date, all jurisdiction and  
24 other functions of the special court shall be assumed by  
25 the United States District Court for the District of Colum-  
26 bia. With respect to any proceedings that arise or continue

1 after the date on which the special court is abolished, the  
 2 references in the following provisions to the special court  
 3 established under this subsection shall be deemed to refer  
 4 to the United States District Court for the District of Co-  
 5 lumbia:

6           “(A) Subsections (c), (e)(1), (e)(2), (f) and (g)  
 7           of this section.

8           “(B) Sections 202 (d)(3), (g), 207 (a)(1),  
 9           (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3),  
 10           (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1),  
 11           (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3),  
 12           305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8),  
 13           (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306  
 14           (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45  
 15           U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2),  
 16           718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743  
 17           (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2),  
 18           (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c),  
 19           (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e),  
 20           (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a),  
 21           (b), (c)(4), 791 (b)(3), (c)).

22           “(C) Sections 1152(a) and 1167(b) of the  
 23           Northeast Rail Service Act of 1981 (45 U.S.C.  
 24           1105(a), 1115(a)).

1           “(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C),  
2           (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail  
3           Privatization Act (45 U.S.C. 1323 (2)(A)(iii),  
4           (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

5           “(E) Section 24907(b) of title 49, United  
6           States Code.

7           “(F) Any other Federal law (other than this  
8           subsection and section 605 of the Federal Courts  
9           Improvement Act of 1996), Executive order, rule,  
10          regulation, delegation of authority, or document of  
11          or relating to the special court as established under  
12          paragraph (1) of this subsection.”.

13          (b) APPELLATE REVIEW.—(1) Section 209(e) of the  
14          Regional Rail Reorganization Act of 1973 (45 U.S.C. 719)  
15          is amended by striking paragraph (3) and inserting in lieu  
16          thereof the following:

17          “(3) An order or judgment of the United States Dis-  
18          trict Court for the District of Columbia in any action re-  
19          ferred to in this section shall be reviewable in accordance  
20          with sections 1291, 1292, and 1294 of title 28, United  
21          States Code.”.

22          (2) Section 303 of the Regional Rail Reorganization  
23          Act of 1973 (45 U.S.C. 743) is amended by striking out  
24          subsection (d) and inserting in lieu thereof the following:

1       “(d) APPEAL.—An order or judgment entered by the  
2 United States District Court for the District of Columbia  
3 pursuant to subsection (c) of this section or section 306  
4 shall be reviewable in accordance with sections 1291,  
5 1292, and 1294 of title 28, United States Code.”.

6       (3) Section 1152 of the Northeast Rail Service Act  
7 of 1981 (45 U.S.C. 1105) is amended by striking out sub-  
8 section (b) and inserting in lieu thereof the following:

9       “(b) APPEAL.—An order or judgment of the United  
10 States District Court for the District of Columbia in any  
11 action referred to in this section shall be reviewable in ac-  
12 cordance with sections 1291, 1292, and 1294 of title 28,  
13 United States Code.”.

14       (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
15 (1) Section 209 of the Regional Rail Reorganization Act  
16 of 1973 (45 U.S.C. 719) is amended—

17               (A) in subsection (g) by inserting “or the Court  
18 of Appeals for the District of Columbia Circuit”  
19 after “Supreme Court”; and

20               (B) by striking out subsection (h).

21       (2) Section 305(d)(4) of the Regional Rail Reorga-  
22 nization Act of 1973 (45 U.S.C. 745(d)) is amended by  
23 striking out “a judge of the United States district court  
24 with respect to such proceedings and such powers shall  
25 include those of”.

1       (3) Section 1135(a)(8) of the Northeast Rail Service  
2 Act of 1981 (45 U.S.C. 1104(8)) is amended to read as  
3 follows:

4           “(8) ‘Special court’ means the judicial panel es-  
5 tablished under section 209(b)(1) of the Regional  
6 Rail Reorganization Act of 1973 (45 U.S.C.  
7 719(b)(1)) or, with respect to any proceedings that  
8 arise or continue after the panel is abolished pursu-  
9 ant to section 209(b)(2) of such Act, the United  
10 States District Court for the District of Columbia.”.

11       (4) Section 1152 of the Northeast Rail Service Act  
12 of 1981 (45 U.S.C. 1105) is further amended by striking  
13 out subsection (d).

14       (d) PENDING CASES.—Effective 90 days after the  
15 date of the enactment of this Act, any case pending in  
16 the special court established under section 209(b) of the  
17 Regional Rail Reorganization Act of 1973 (45 U.S.C.  
18 719(b)) shall be assigned to the United States District  
19 Court for the District of Columbia as though the case had  
20 originally been filed in that court. The amendments made  
21 by subsection (b) of this section shall not apply to any  
22 final order or judgment entered by the special court for  
23 which—



1           (1) a petition for writ of certiorari has been  
 2       filed before the date on which the special court is  
 3       abolished; or

4           (2) the time for filing a petition for writ of cer-  
 5       tiorari has not expired before that date.

6       (e) EFFECTIVE DATE.—The amendments made by  
 7       subsections (b) and (c) of this section shall take effect 90  
 8       days after the date of the enactment of this Act and, ex-  
 9       cept as provided in subsection (d), shall apply with respect  
 10      to proceedings that arise or continue on or after such ef-  
 11      fective date.

12   **SEC. 706. EXCEPTION OF RESIDENCY REQUIREMENT FOR**  
 13                   **DISTRICT JUDGES APPOINTED TO THE**  
 14                   **SOUTHERN DISTRICT AND EASTERN DIS-**  
 15                   **TRICT OF NEW YORK.**

16       Section 134(b) of title 28, United States Code, is  
 17      amended—

18           (1) by inserting “the Southern District of New  
 19       York, and the Eastern District of New York,” after  
 20       “the District of Columbia,”;

21           (2) by inserting “or she” after “he”; and

22           (3) by inserting at the end the following: “Each  
 23       district judge of the Southern District of New York  
 24       and the Eastern District of New York may reside

1       within 20 miles of the district for which he or she  
2       is appointed.”.

3   **SEC. 707. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION**  
4                   **PLANS.**

5       (a) AUTHORIZATION OF ARBITRATION.—Section  
6   473(a)(6)(B) of title 28, United States Code, is amended  
7   by inserting “arbitration,” before “mediation”.

8       (b) REPORT ON DEMONSTRATION PROGRAM.—Sec-  
9   tion 104(d) of the Civil Justice Reform Act of 1990 (28  
10   U.S.C. 471 note) is amended by striking out “December  
11   31, 1996,” and inserting in lieu thereof “June 30, 1997,”.

12       (c) REPORT ON PILOT PROGRAM.—Section 105(c)(1)  
13   of the Civil Justice Reform Act of 1990 (28 U.S.C. 471  
14   note) is amended by striking out “December 31, 1996,”  
15   and inserting in lieu thereof “June 30, 1997,”.

16   **SEC. 708. VENUE FOR TERRITORIAL COURTS.**

17       (a) CHANGE OF VENUE.—Section 1404(d) of title 28,  
18   United States Code, is amended to read as follows:

19       “(d) As used in this section, the term ‘district court’  
20   includes the District Court of Guam, the District Court  
21   for the Northern Mariana Islands, and the District Court  
22   of the Virgin Islands, and the term ‘district’ includes the  
23   territorial jurisdiction of each such court.”.

1 (b) CURE OR WAIVER OF DEFECTS.—Section  
2 1406(c) of title 28, United States Code, is amended to  
3 read as follows:

4 “(c) As used in this section, the term ‘district court’  
5 includes the District Court of Guam, the District Court  
6 for the Northern Mariana Islands, and the District Court  
7 of the Virgin Islands, and the term ‘district’ includes the  
8 territorial jurisdiction of each such court.”.

9 (c) APPLICABILITY.—The amendments made by this  
10 section apply to cases pending on the date of the enact-  
11 ment of this Act and to cases commenced on or after such  
12 date.

Passed the House of Representatives September 17,  
1996.

Attest:

ROBIN H. CARLE,  
*Clerk.*